

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-11659-GAO

SDCO ST. MARTIN, INC.,
Plaintiff,

v.

CITY OF MARLBOROUGH,
Defendant.

ORDER
December 18, 2012

O'TOOLE, D.J.

On September 25, 2012, this court granted a preliminary injunction that prevents the defendant “from terminating, disconnecting or otherwise interfering with the water and sewer services to plaintiff’s property.” (Order 1 (dkt. no. 17).)

The defendant has moved for clarification of the court’s September 25, 2012 order granting a preliminary injunction to the plaintiff. Specifically, the defendant seeks to determine if the scope of the injunction extends to just the existing building on the property or to an addition being built by one of the plaintiff’s tenants on the property. Conversely, the plaintiff has moved for an order finding the defendant in contempt of the preliminary injunction for its refusal to grant a permit application to reroute water lines around the addition. Finally, the plaintiff’s tenant, Access Northeast, has moved to intervene and for injunctive relief.

Access Northeast’s addition to the property falls within the scope of the injunction. To deny a permit to reroute the water lines would be to “interfere with the water and sewer services” to the property within the meaning of the order. However, it is appropriate for the defendant to

apply reasonable conditions to the approval of the permit such as the engineering concerns outlined by the City Engineer.

Accordingly, the defendant's Motion for Clarification (dkt. no. 27) is GRANTED. The plaintiff's Motion for a Finding of Contempt (dkt. no. 25) is DENIED. Finally, Access Northeast's Motion to Intervene (dkt. no. 32) and Motion for Injunctive Relief (dkt. no. 33) are DENIED without prejudice.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge